

Message Text

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SUBJ: EXTRADITION - ROBERT L. VESCO - DAY ONE

SUMMARY: THE FIRST DAY OF THE VESCO EXTRADITION HEARINGS REACHED NO CONCLUSION AND INDICATED THAT A CONCLUSION MAY NOT BE REACHED FOR SOME TIME. THE SESSION WAS TAKEN UP ENTIRELY WITH MOTIONS AND ARGUMENTS BY COUNSEL ON PRELIMINARY PROCEDURAL POINTS. MUCH DISCUSSION CONCERNED THE CONTINUED VALIDITY OF THE 1931 EXTRADITION TREATY POST INDEPENDENCE. AT 11/14 HEARING, COUNSEL WILL ADDRESS THE QUESTION OF THE WORDING OF A REQUEST TO MINEXTAFF ADDERLEY ELICITING HIS OPINION REGARDING THAT TREATY. VESCO'S ATTORNEY SUCCEEDED IN DELAYING THE OPENING OF 11/14 SESSION UNTIL 2:30 P.M. AND SAID THAT VESCO'S TRIAL COUNSEL WOULD BE SIGNIFICANTLY INCREASED IN NUMBER THEN. VESCO WATCHED PROCEEDINGS FROM HIS COUNSEL'S TABLE WITH INTEREST, OCCASIONAL AMUSEMENT AND APPARENT PATIENCE: HE CLEARLY SEEMS IN FOR THE LONG PULL. END SUMMARY.

2. THE FIRST SESSION OF THE VESCO EXTRADITION HEARINGS WAS OPENED AT 2:30 P.M. BY MAGISTRATE OSADABEY. THE MAGISTRATE AGREED TO THE PRESENCE OF A US COURT REPORTER FOR THE PURPOSE OF KEEPING A NON-OFFICIAL RECORD, PERMITTED MR. VESCO TO SIT AT HIS COUNSEL'S TABLE DURING THE HEARINGS, AND ATTACKED THE MIAMI HERALD FOR AN INTERVIEW WITH THE MAGISTRATE WHICH THE LATTER SAID HAD NEVER OCCURRED. OSADEBAY DEMANDED AN APOLOGY
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FROM THE MIAMI HERALD.

3. BEFORE WALLACE-WHITFIELD BEGAN HIS SUBMISSION ON BEHALF OF THE US, HE ALLOWED VESCO'S ATTORNEY (DUPUCH) TO MAKE TWO APPLICATIONS FOR PROCEDURAL MOTIONS. THE FIRST WAS A MOTION TO COMPEL THE PRESENCE BY MR. C. HENRY BUHL, APPARENTLY A KEY WITNESS AGAINST VESCO, ON THE GROUND THAT AN AFFIDAVIT BY HIM IN THE HANDS OF VESCO "CAST A COMPLETELY DIFFERENT COMPLETION" ON AN AFFIDAVIT ALSO BY HIM INCLUDED IN THE EVIDENCE TO BE PRESENTED BY THE US. THE MAGISTRATE RULED THAT THAT MOTION SHOULD AWAIT THE INTRODUCTION OF THE LATTER AFFIDAVIT IN EVIDENCE BY THE US. SECOND, DUPUCH MOVED THAT A LETTER FROM THE COURT BE ADDRESSED TO MINEXTAFF ADDERLEY TO SEEK "AS STATEMENTS OF FACT" WHETHER THERE WAS IN FACT AN EXTRADITION TREATY IN EFFECT BETWEEN THE US AND THE GCOB AND WHAT DOCUMENTATION EXISTS TO PROVE IT. DUPUCH SUGGESTED THAT THERE MIGHT BE NO VALID TREATY IN EFFECT SINCE JULY 10, 1973. THIS MOTION TOO WAS DENIED UNTIL THE ISSUE WAS RAISED IN WALLACE-WHITFIELD'S SUBMISSION. DUPUCH ALSO SUGGESTED THAT THE US MIGHT BE MISUSING THE EXTRADITION PROCESS TO PERSECUTE VESCO FOR POLITICAL ENDS AND MIGHT THEREFORE BE GUILTY OF BAD FAITH.

4. WALLACE-WHITFIELD BEGAN HIS SUBMISSION WITH A RECITAL OF FACTS AND DATES LEADING TO THE PRESENT HEARING. AS HE WAS PREPARING TO INTRODUCE INTO EVIDENCE A SET OF THE PAPERS ORIGINALLY PRESENTED BY THE AMBASSADOR TO ADDERLEY (WALLACE-WHITFIELD WAS RIGHT IN SAYING PREVIOUSLY THAT THE MAGISTRATE WOULD WANT ANOTHER COMPLETE SET), THE MAGISTRATE INTERRUPTED TO SUGGEST THAT NOW MIGHT BE A GOOD TIME FOR DUPUCH TO MAKE HIS MOTION CONCERNING THE VALIDITY OF THE TREATY. DUPUCH DID, AND WALLACE-WHITFIELD BEGAN HIS REFUTATION BY ARGUING (APPARENTLY UNPERSUASIVELY) THAT THE TREATY HAS BEEN INCORPORATED INTO DOMESTIC BAHAMIAN LAW PRIOR TO JULY 10, SO THAT THE INDEPENDENCE ISSUE DID NOT ARISE. HE THEN ARGUED THAT SINCE THE MAGISTRATE HAD ARRESTED VESCO UNDER THE TREATY, THE MAGISTRATE SHOULD NOT NOW PERMIT QUESTIONS TO BE RAISED ON ITS VALIDITY. FINALLY, WALLACE-WHITFIELD ARGUED THAT THE MINEXTAFF SHOULD NOT BE QUESTIONED ON THE GROUNDS OF ANY OPINION HE MIGHT HAVE AS TO THE VALIDITY OF THE TREATY: ON THIS LAST POINT THE MAGISTRATE SEEMED TO AGREE. WALLACE-WHITFIELD

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TRIED TO SUBMIT THE STATEMENT FROM ACTING SECRETARY RUSH THAT THE USG CONSIDERED THE TREATY TO BE VALID, BUT THE MAGISTRATE SAID HE WANTED A STATEMENT AS TO ITS BILATERAL VALIDITY FROM ADDERLEY. DUPUCH SAID THAT THE REASON HE WANTED TO EXAMINE THE BINDING NATURE OF THE TREATY WAS TO PREVENT THE USG FROM EXTRADITING VESCO FOR ONE OFFENSE AND THEN TRYING HIM FOR OTHER ONCE HE WAS BACK IN THE US. WALLACE-WHITFIELD THEN OFFERED TO MAKE AN UNDERTAKING THAT THIS WOULD NOT HAPPEN,

BUT BEFORE DUPUCH COULD COMMENT ON IT, T
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